IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3741 of 2005

Between:

Ziaguda Arya Katika Association, Hyderabad rep. by its President

D.Ashok @ Laddu R/o. H.No.20-1-569, Gollakidiki, Hyderabad.

..... PETITIONER

AND

1 The Secretary to Government, Municipal Administration Dept., Govt., of AP. Secretariat, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,

Khairathabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent No.1 in not taking any action on the petitioner representation dt.9.2.2005 and the action of respondent No.2 in not refusing to grant permission to sell live goat and sheep's at Ziaguda Slaughter house as null and void and consequently direct the respondent No.1 and 2 to give permission to sell live goats and sheep's at Ziaguda slaughter house.

Counsel for the Petitioner:MR.VIJAY B.PAROPAKARI

Counsel for the Respondent Nos.1 : GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: Mr. Ganta Rama Rao.

The Court at the admission stage made the following :

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ORDER:

The request of the petitioner for permission for sale of live goats and sheep at Slaughter House, Ziaguda was rejected by the 2nd respondent – Commissioner of Municipal Corporation of Hyderabad, by order dated 27-07-2004. Aggrieved by the same, the petitioner filed a representation before the first respondent. This Writ Petition is filed alleging that the first respondent has failed to consider the said representation and no orders have been passed so far.

This writ petition was initially disposed of by an order dated 28-02-2005 with a direction to the first respondent to treat the representation as revision petition and to pass appropriate orders in accordance with law. However, even before signing the said order, it was pointed out by the learned counsel for the respondents that under Section 679 of the Hyderabad Municipal Corporation Act (for short 'the Act') the Government can exercise only suo motu powers of revision. Hence, the matter has been listed today for being mentioned and the learned counsel for both the parties have been heard.

As can be seen from the material on record, the 2nd respondent has already passed an order dated 27-7-2004 and no remedy of revision is available under the Act against the said order. Hence, the representation of the petitioner dated 9-2-2005 cannot be treated as Revision Petition and no Mandamus can be issued to the

1st respondent to dispose of the same. However, this shall not preclude the petitioner to pursue the remedy, if any, before the appropriate forum.

Accordingly, the writ petition is disposed of. No costs.

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02-03-2005

sj

To

1 The Secretary to Government, Municipal Administration Dept.,
Govt., of AP. Secretariat, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,

Khairathabad, Hyderabad.

3 Two CCs to the Government Pleader for Municipal Administration

and Urban Development, High Court Building, Hyderabad.

4 Two C.D. copies.

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